

Notice of Allowability

Application No.

10/532,400

Applicant(s)

GOTO, MASATAKA

Examiner

Christina Russell

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

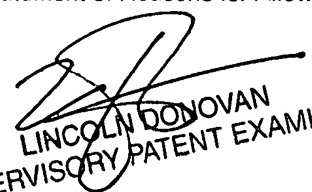
1. ☒ This communication is responsive to the amendment filed on 9/20/2006.
2. ☒ The allowed claim(s) is/are 1-4, 7-17, 22-28, 33, and 41-63.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Drawings

The amendments to the drawings have been accepted.

Specification

The amendments to the specification have been accepted, except the paragraph to be inserted on page 80, line 26. See Examiner's amendment below.

Claim Objections

The cancellation of claims 18 and 19, and the amendments made to claims 13, 14, 27, 62 and 63 to overcome the claim objections have been accepted.

Claim Rejections - 35 USC § 102

The amendments made to claims 7, 8, 14, 15, 27, 28, 33 and 63 to overcome the U.S.C. 112 rejections have been accepted.

Claim Rejections - 35 USC § 101

The amendments made to claims 33, 54 and 55 to overcome the U.S.C. 101 rejections have been accepted.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Randolph Digges on 10/12/006.

The application has been amended as follows:

Claims 37, 39 and 40 have been cancelled.

An amended paragraph for page 80, line 26 was submitted, however the additional phrase at the end "shown in Fig 6. " should be changed to - - shown in Fig. 16

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Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

3. The prior art relied upon in the first office action rejection by Herley (US 2004/0001161)), and Nakai et al. (5,737,308) no longer teach all the claimed elements of the independent claims 1, 2, 7, 8, 15, 28, and 33, or their dependent claims, and no other prior art references could be found that teach said claimed elements, therefore the independent claims and their dependent claims are considered allowable.

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4. In terms of claim 1, Herley fails to teach the plurality of characteristic music structure sections identified based on statistical data on playback behaviors of a plurality of trial listeners who played back the music audio data. Also, Herley teaches an interface, but fails to teach an interface which allows for the selection of one of the structured sections. No other prior art could be found, therefore, claim 1, and its dependent claims 3 and 4 are deemed allowable.

5. Claim 2, and its dependent claims 56 and 57 are deemed allowable for the same reasons as stated in claim 1.

6. In terms of claim 7, Herley teaches of a ten second segment, but said segment, or length of music audio data, is not indicated in the display of the interface along a time axis. Therefore, claim 7, and its dependent claims 9-14 are deemed allowable.

7. Claim 8, and its dependent claims 58-63 are deemed allowable for the same reasons as stated in claim 7.

8. In terms of claim 15, similarly to claim 7 and 8, Herley fails to teach a graphic display portion that displays a length of music audio data along a time axis, a playback position, or a plurality of characteristic music structure sections displayed on said graphic display portion. Therefore, claim 15 and its dependent claims 16, 17, and 22-27 are deemed allowable.

9. Claims 28 and 33 are deemed allowable for similar reasons as stated above.

10. In the previous office action, independent claims 41, 50, 51 and 53, and their dependent claims 42-49 and 52, were deemed allowable.

11. In terms of claim 41, Herley fails to teach, and it could not be found in other prior art, the intricate calculating of similarities in the extracted data, in order to list the extracted data sections in accordance with their similarities. Further, Herley fails to teach an integrated repeated section determination step of examining the interrelationship among the listed sections and integrating one or more of said sections with common structures to provide specified groups of data structures. In short, Herley does not teach of such organization of extracted or detected data structure; Herley, and other references, merely located repeated data structures and allow the user the edit said sections, but do not provide the listing, grouping and integrating of such sections in order to better file a repeated section when it is located or detected. Therefore claim 41 and its dependent claims 42-49 are allowable.

12. For similar calculation and organizational reasons independent claims 50, 51, and 53 and their dependent claims are allowable.

13. In the previous office action, independent claim 54 was deemed to be allowable for the same reasons as claim 41 if rewritten to overcome the U.S.C. 112 rejection, which as can be seen above, the amendments made to this claim and claim 55 were accepted, therefore claim 54 and its dependent claim 55 are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

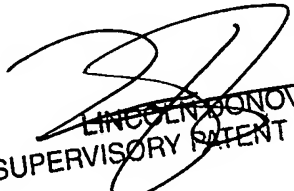
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR
10/14/2006


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